MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.418 OF 2007
IN
SUIT NO.1313 OF 1979

Rekha Punjabi ... Plaintiff
versus
Devkumar Pranlal Jogi & ors. ... Defendants

Mr.D.D.Madon, Sr.Adv. a/w Mr.Zal Andhyarjuna a/w Ms.Shona Malvi i/by Wadia Gandhi & Co. for plaintiff.

Mr.S.V.Oak for defendants.

CORAM : A.M.KHANWILKAR, J.
DATE : 06th August 2007

PC :

1. As counsel for the plaintiff assures that the plaintiff will not insist for any further evidence to be produced as a consequence of the amendment, counsel for the defendants fairly submits that in that case the amendment can be granted. In the circumstances, by consent, the Chamber Summons is made absolute in terms of prayer clauses (a) and (b). The issues will now stand modified consistent with the amendment granted today as the evidence is complete. Chamber Summons is disposed of in the above terms.

(A.M.KHANWILKAR, J.)

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1. It is agreed between the parties that the plaintiffs evidence is concluded. The defendants have already tendered affidavit of evidence, the defendants' witnesses will have to be offered for cross examination. It is also agreed that the cross examination of defendants' witnesses can be done on Commission. The parties have agreed for appointment of Mr.Pankaj Kowli on usual terms. The Commissioner's expenses will be shared equally by both the parties to be paid directly to the Commissioner. As the defendant intends to examine only one witness in support of their claim, the Commission be concluded within two weeks from today. The Commissioner to submit

report within three weeks from today.

2. Place this suit under the caption "Arguments" on 28th August 2007. Written submissions be filed on or before 27th August 2007. Written statement to be filed in the registry.

3. Parties agree to appear before the Commissioner on 16th August 2007 at 5.30 p.m. on which date the defendant shall keep his witness ready for cross examination. No further notice thereof will be given to any of the parties and the parties waive such notice.

(A.M.KHANWILKAR, J.)